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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,411

12/12/2003

Richard Michael Fenger

ABN0014-US

9115

36183

7590

04/02/2008

PAUL, HASTINGS, JANOFSKY & WALKER LLP  
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EXAMINER

SHUMATE, PAUL W

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,411	<b>Applicant(s)</b> FENGER ET AL.	
	<b>Examiner</b> PAUL SHUMATE	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## DETAILED ACTION

### Status of Claims

1. This action is in reply to the Application filed on 12/12/2003. Claims 1-34 are currently pending, have been examined, and stand rejected.

### Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
3. Claim(s) 1-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Internet Archive's CheckFree Website, <http://web.archive.org/web/20000510083954/www.checkfree.com>, hereinafter CheckFree, in view of Official Notice.

Examiner's Note: The examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct inventions are claimed in a single application, the examiner may require the applicant to elect an invention to which the claims will be restricted.

Additionally, the examiner has included a section in this Office Action regarding general claim interpretation. The examiner suggests thoroughly reviewing the claims, specifically claims 1-8, drawn to a system, to help further the prosecution of this application.

As per claim(s) 1-34, CheckFree teaches a client/server system and method for reconciliation (see at least the section "CheckFree Reconciliation Solutions" on pages 3-4) comprising:

- receiving files of financial information (see at least page 5 paragraph(s) 4,5)
- automatically checking for receipt of the electronic files against a list of electronic files expected to be received to ascertain whether files in the list of electronic files expected have been received, ascertaining whether the files have been received on

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- time (see at least page 2 paragraph(s) 4, page 7, paragraph(s) 2, page 10 paragraph(s) 6,7, page 16 paragraph(s) 1,4, page 17 paragraph(s) 4, and page 22 paragraph(s) 3), and if not, initiating a notification procedure (see at least page 10 paragraph(s) 10, page 17 paragraph(s) 5, and page 18 paragraph(s) 3)
- displaying status information with respect to the state of files receipt and the step of performing financial reconciliation (see at least page 5 paragraph(s) 2 and page 10 paragraph(s) 6, 7, 10)
  - wherein the data are stored in the files by different business entities (see at least page 8 paragraph(s) 1,2)
  - performing financial reconciliation on the data in the first and second files (see at least page 3 paragraph(s) 1, page 6 paragraph(s) 7, and page 16 paragraph(s) 1,4)
  - wherein the data are stored in the files in accordance with a format expected by a system that performs the financial reconciliation (see at least page 5 paragraph(s) 6 and page 9 paragraph(s) 5,6)
  - wherein different instances of the system that performs the financial reconciliation operate in conjunction with the files at the predetermined locations (see at least page 22 paragraph(s) 3). Concurrent online and batch processing would require multiple instances of the system to operate in conjunction with data files.
  - performing data matching (see at least page 3 paragraph(s) 1,3,6, page 4 paragraph(s) 1, page 5 paragraph(s) 7, and page 7 paragraph(s) 2) and further performing financial reconciliation between a file and one or more other files (see at least page 3 paragraph(s) 1, page 6 paragraph(s) 7, and page 8 paragraph(s) 2)
  - maintaining a status information web page for end users to view. (specifically see at least page 10 paragraph(s) 7 and page 17 paragraph(s) 2, additionally, see page 3 paragraph(s) 6 and page 7 paragraph(s) 1)
  - wherein the electronic files represent collections of financial transactions (see at least page 5 paragraph(s) 4-6 and page 6 paragraph(s) 7)

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- transferring generated reports to predetermined locations (see at least page 14 paragraph(s) 1-2)

CheckFree does not explicitly teach:

- the server including a file transfer service which is consistent with the File Transfer Protocol (FTP)
- storing received files and generated reports in specific locations based on predetermined business relationships
- versioning the files received
- wherein versioning comprises renaming the files and appending names of the files with at least one of a date and a time stamp
- wherein the step of displaying status information comprises simultaneously displaying names of the predetermined locations, and at least one of the first and second files. wherein the step of displaying status information comprises indicating a state of a task by highlighting at least some displayed information with predetermined colors. wherein the web page comprises a portion in which messages can be posted to inform end users of special information
- wherein a system for performing the financial reconciliation is resident on a server other than the central server.
- wherein the multiple instances of the application are operating on different servers.
- wherein the predetermined locations comprise locations on the central computer.

The examiner takes Official Notice for these limitations. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to allow the teachings of CheckFree to include these features because by implement these well known in the art features would better meet clients'/customers' needs and would improve the usability of the system as a whole.

### **Claim Interpretation**

In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted using the “broadest reasonable interpretation consistent with the specification during the examination of a patent application since the applicant may then amend his claims.” Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. See MPEP § 2111.

All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method or system claim that states only the intended use or intended result but the expression does not result in a manipulative difference in the steps of the method claim nor a structural difference between the system claim and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the system claim.

Claim limitations that contain statement(s) such as “if, may, might, can, could”, as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as “wherein, whereby”, that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or

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does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" or "whereby" clauses.
- (D) "operable" or "configurable"

See MPEP § 2106 II C.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Shumate whose telephone number is 571-270-1830. The examiner can normally be reached on M-F 8:30 AM - 6:00 PM, EST alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Name: Paul W. Shumate  
Title: Patent Examiner  
Date: 03/31/08  
Signature: /Paul Shumate/  
Examiner, Art Unit 3693

/James A. Kramer/

Supervisory Patent Examiner, Art Unit 3693